IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24898 of 2004

Between:

1 R.Swamy Reddy, S/o. Chinna Hussain Reddy
R/o. Velguda Village and Mandal, Kurnool District.
2 Ambala Srinivas Reddy S/o. A.Nagi Reddy
R/o. Velguda Village & Mandal, Kurnool District

..... PETITIONER(S)

AND

1 The Joint Collector, Kurnool
2 The Mandal Revenue Officer, Velguda Village and Mandal
Kurnool District
3 The Superintending Engineer Telugu Ganga Project,
Nandyal, Kurnool District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ of mandamus or any other appropriate Writ or direction declaring the action of the 2nd respondent in proposing to assign/granting temporary construction permission in respect of un-utalised land of Velugodu Balancing Reservoir, Velugodu, Kurnool District acquired from the petitioners as illegal, arbitrary and contrary to the orders of the 1st respondent passed in D.Dis 952/2004 dt.29-05-2004 and consequently direct the 2nd respondent not to assign/grant temporary permission in favour of the thirt parties or in the alternative to reconvey the lands acquired from the petitioners.

Counsel for the Petitioners: MR.A.JAYA SANKARA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following :

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THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 24898 of 2004

O r d e r:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue for the respondents.

The 1st petitioner claims to be owner of the land admeasuring Ac.2-07 cents in Survey No.1957/3 and Ac.0-19 cents in Survey No.1957/2 of Velugodu Village, Kurnool District, and the 2nd petitioner claims to be owner of the land admeasuring Ac.4-31 cents in Survey No.1189 and Ac.1-20 cents in Survey No.1906/A of the same village. The said lands were acquired by the Government for public purpose, namely, for construction of Velugodu Balancing Reservoir. The petitioners allege that the lands were not utilized for the purpose for which they were acquired. Thereupon, the 1st petitioner and the father of 2nd petitioner are said to have made a representation to the 1st respondent to reconvey the said lands for agricultural purpose as per G.O. Ms. No.1483 Rev. L.A., dated 29-11-1995. The 1st respondent, it is stated, having taken the said representation as an appeal, passed order in D.Dis.952/2004, dated 29-5-2004 directing the 2nd respondent not to lease out or issue temporary permission to any of the beneficiaries over the acquired land pertaining to Irrigation Department, and the said order has become final. The grievance of the petitioners is that the 2nd respondent, contrary to the order passed by the 1st respondent, is proposing to assign the lands in favour of people belonging to Schedule Tribes and landless poor persons of the village, which is arbitrary and illegal. Therefore, they filed the present writ petition seeking a direction to the 2nd respondent not to assign/grant temporary permission in respect of the lands in favour of third parties or in the alternative to reconvey the lands to the petitioners from whom they were acquired.

The relief sought for by the petitioners in this writ petition, having regard to the provisions of Sections 23, 23(1)(A) and 30 of the Land Acquisition Act, 1894, and several judgements of the Apex Court in **Gulam Mustafa v. State of Maharashtra[1], Chandragouda Ramagonda Patil v. State of Maharashtra[2], C. Padma v. Deputy Secretary to Government of Tamil Nadu[3], State of Punjab v. Sadhu Ram[4], State**

of Kerala v. Bhaskaran Pillai[5], Northern Indian Glass Industries of Maharashtra[6] and Govt. of A.P. v. Syed Akbar[7], and of this High Court in **Koppula Narasaiah v. Government of Andhra Pradesh[8],** wherein it was held that if the land acquired by the Government was not used for the purpose for which it was acquired, it does not confer any right on the persons whose lands have been acquired to ask for restitution or reconveyance of the land, cannot be granted. In that view of the matter, the petitioners can neither seek reconveyance of the acquired land nor can they prohibit the Government from making use of the acquired land for any other public purpose.

There is no merit in the writ petition, and the same is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 20th January, 2005.

KSR

To

1 The Joint Collector, Kurnool
2 The Mandal Revenue Officer, Velguda Village and Mandal Kurnool District
3 The Superintending Engineer Telugu Ganga Project, Nandyal, Kurnool District

4 Two CCS to GP for Revenue, High Court of AP, Hyderabad (OUT)

5 Two CD copies.